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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,803	11/18/2003	Paul R. Meernik	GP-303124	5204

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EXAMINER

KING, BRADLEY T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/715,803

Applicant(s)

MEERNIK, PAUL R.

Examiner

Bradley T King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 5,6 and 13-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species II in the reply filed on 01/10/2005 is acknowledged. The traversal is on the ground(s) that claim 1 is generic to all the species and that figures 1-8 are not a separate species, instead disclosing a different level of detail relative to the species of figures 9-12. Since the species of figures 9-12 include all the features of the species I, both species have been examined. It is maintained that claim 1 is not generic to all the species as the claim requires a spring configured to expand in compression against the housing. The embodiments of figures 15-17 fail to share this feature. Figure 15 shows a spring 90 and/or 94 which expands to engage element 18, not the housing 10. Figures 16-17 show a spring 54 or 22 which expands against element 96. Regarding the remaining election requirement, it is maintained that the application contains claims to several distinct embodiments and the requirement is proper.

The requirement is still deemed proper and is therefore made FINAL.

Claims 5-6 and 13-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 01/10/2005.

While Applicant submits that claims 5-6 read on the elected embodiment, claim 5 requires a mass element which is specific to the non-elected embodiment of figure 18

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and claim 6 requires a second spring between a cylinder and a rod which is specific to the non-elected embodiment of figures 13-14.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Please amend the abstract to be less than 150 words.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 and 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

invention. Claim 1 requires "the load initiating element and the spring are slidable within the housing until the spring is loaded into a self locking mode". It is not clear from the disclosure how the load initiating element of the elected embodiments can be slidable within the housing and still function to lock the spring against the housing. It is also not clear from the disclosure how the piston 50 is capable of positioning the load initiating element, spring and inner tube without loading the spring into a self locking mode as required by claim 4. The piston 50 of the elected embodiment does not appear capable of contacting the load-initiating element. It is maintained that the disclosure fails to describe the claimed invention in manner that enables one skilled in the art to make or use the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Richards (US# 4691889).

Richards discloses all the limitations of the instant claims (as best understood, note the 112 1st rejection above) including: a housing 14; a load initiating element (50 or 36 or 20) located within the housing; a spring 54 located adjacent to the load initiating

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element, and configured to expand in compression against the housing; and wherein the load initiating element and spring are slideable within the housing until the spring is loaded into a self locking mode.

Regarding claim 3, an inner tube 36 or 50 is slideably positioned within the outer tube and is configured to be able to provide a compression force to the spring from a side opposite of the load initiating element.

Regarding claim 4, Richards discloses a pin 28 rigidly attached to the inner tube 50 and slideably attached to the spring; a piston 36 slideably attached to the pin.

Regarding claims 7-8, note the spring elements 54 are both conical and wavy in shape.

Regarding claims 10-11, see column 5, lines 44-49.

Claims 1-4, 8-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Isaacson (US#3788626).

Isaacson discloses all the limitations of the instant claims (as best understood, note the 112 1st rejection above) including: a housing 10 and/or 36; a load initiating element (38 or 44 or 46) located within the housing; a spring 37 located adjacent to the load initiating element, and configured to expand in compression against the housing; and wherein the load initiating element and spring are slideable within the housing until the spring is loaded into a self locking mode.

Regarding claim 3, an inner tube 24 or 26 is slideably positioned within the outer tube and is configured to be able to provide a compression force to the spring from a side opposite of the load initiating element.

Regarding claim 4, Isaacson discloses a pin 30 rigidly attached to the inner tube 24 or 26 and slideably attached to the spring 37; a piston 38 slideably attached to the pin.

Regarding claim 12, see figure 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Purple, Bobinger et al, Hillen, Hillebrand et al and Barr.

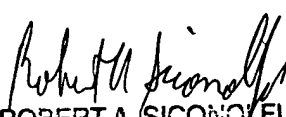
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK

 3/18/05
ROBERT A. SICONOLFI
PATENT EXAMINER